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Dear Sir or Madam:

I noticed in the Charleston Gazette this morning that Administrative Law Judge Denise Spatafore has been suspended for failure to obtain her continuing education credits. Such failure appears to go back to 2006 at which time I had a hearing before her in August. She denied my grievance then.

I have since appealed to the Kanawha County Circuit Court and obtained a judgment against the Pocahontas County Board of Education for backpay and legal fees. Unfortunately, this has still not be resolved and may linger over until 2009, nearly three years after I was terminated.

I have been complaining all along about the dysfunctional nature of the WV Grievance Board. Two times they failed to provide legal documents in a timely manner thereby delaying my case. The second time they had a failure to deliver a key piece of evidence submitted by me to the administrative law judge. That was the video tape of the event in question. I had no knowledge that the Kanawha County Judge did not have that evidence before her. She announced in her decision that the purloined tape had only show up shortly before she rendered her decision in my favor.

The Pocahontas County Board of Education has appealed Ms. Berger's decision to the WV Supreme Court which they have accepted for

hearing but it is projected that it will be almost a year after the case was agreed to be heard by them.

Thus I have been victimized by continuous delays with the WV Grievance Board and now I discover that someone in that department was not monitoring the legal qualifications of those who were the judges of their administrative hearings. This has caused me great grief because I have been without a job for over two years now—Justice delayed, is just denied.”

I do not believe that the WV Grievance Board is operating as a just and equitable system. That belief has now been confirmed. It seems a small thing for a state body to ensure that its personnel are qualified to do their job.

I have asked for an investigation of the WV Grievance Board and to date no one has responded. I ask once again that the Kanawha County Circuit Court and/or the WV Supreme Court investigate to determine if the rights of workers are being trampled by a dysfunctional system.

*While the Board does not hear or review the actual grievance cases, it does employ the Administrative Law Judges and sets procedures, standards, and job expectations for Administrative Law Judges, and **monitors their performance.**—WV Grievance Board Website*

Now, to the case in point: Norman Alderman vs. Pocahontas County Board of Education. I am asking that I be granted an expedited opportunity to appeal this law judge’s decision to an impartial body. Since she does not appear to be a bona fide judge her decision should be rendered mute as void on its face. I am asking the WV Supreme Court to review its decision to accept the Pocahontas County Board of Education’s request for appeal. I have won in the Kanawha Court Circuit Court but I would never have been there are all had this judge have been a bona fide judge.

Also please note that Ms. Alice Irvine of the Pocahontas Board of Education, treasurer, perjured herself under oath before Judge Spatafore. Likewise, the board’s attorney was in violation of his contract to represent the board in the matter. His contract excluded his representation of the board in a Grievance hearing. These are two items that need to be presented before the Grievance board as well. I would like to re-present my case with evidence of fraud, misrepresentation, and theft of public funds which has caused me to be terminated unjustly. I am acting pro se at this time.

With the above in mind, I would like to request per the WV Freedom of Information Act documentation related to Judge Denise Spatafore's credentials as a lawyer particularly copies of her continuing education evidence to determine if she qualified as a judge at the time of my hearing.

Secondly, since this letter is being directed to the WV Supreme Court as well, I would like to ask that the court review its decision to hear the Board's appeal and remove the stay that has been imposed upon the judgment.

I need my back pay. Not many people can go three years without a job. Please consider my case and let me know what your direction shall be to correct this great injustice. Please let this letter serve as a formal grievance and request for rehearing before the WV Grievance Board in front of a bona fide judge.

Thank you very much,

Sincerely,

Norman Lee Alderman

2 grievance board administrative judges suspended

By Phil Kabler
Staff writer

Two administrative law judges for the state Public Employees Grievance Board were suspended from hearing cases Monday until they restore their active status with the State Bar — a decision that could lead hundreds of employees to reopen their grievances.

Board members voted Monday to suspend judges Brenda Gould and Denise Spatafore until they complete enough continuing legal education credits to be restored to active status as lawyers.

"We are going to require these two judges, who are in inactive status, to abstain from ruling on any cases until they become active," board Chairman Bob Brown said.

Meanwhile, he said public employees who had their grievances denied by either of the two judges probably could appeal or refile their complaints.

"I don't think there's anything to stop employees from doing that," he said. "We don't

live.

"We spend \$12 billion a month on the war. Iraq is getting new roads, new bridges and new schools. Their government has a surplus."

Barth believes that money would be better spent at home. "We need to invest in

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know what to expect."

Gordon Simmons, organizer for the West Virginia Public Workers Union UE Local 170, said he believes there are potentially hundreds of employees who could refile grievances denied by the two ALJs, dating back to 2006.

"What about all these cases for all this time that they're decided when they weren't eligible to serve?" he said.

Besides reviewing cases that could be reopened, Simmons said the union is considering whether to file disciplinary actions against the two with the State Bar.

"I believe they had to know about this before somebody made noise about it," he said.

Brown said he believes there was some confusion about whether administrative law judges had to have active status as attorneys, noting that circuit judges and Supreme Court justices are required to be inactive with the State Bar.

However, he said state law and board rules are clear that administrative law judges must have active status as attorneys.

Robin Perdue, the grievance board's director, said Gould and Spatafore are working to obtain their continuing legal education credits as quickly as possible.

"We've been very proactive in getting this issue resolved," she told the board.

Also Monday, the board hired Mark Barney to fill an administrative law judge vacancy. Barney had been a law clerk for Putnam Circuit Judge O.C. Spaulding.

Reach Phil Kabler at philk@wvgazette.com or 348-1220.

Q: What should I do then, if I need the ALJ to do something in my grievance?

A: Make a written request or motion asking the ALJ to take whatever action you need taken. When ALJs receive written requests to take action, prehearing telephone conference calls are frequently scheduled to discuss the request or motion. [Procedural Rule 4.4.1](#) contains a partial list of the many types of matters that can be considered in a prehearing conference.

Also, be sure to remember that when you file written requests or motions with the ALJ, you must send a copy of whatever you file to the employer and any other party. Likewise, the employer must send you a copy of what it sends to the ALJ or any other party.

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